Concern has grown in the past few months as more Americans, unsettled by high-profile accounts of spreading computer viruses and other hacker attacks, have installed security software—or ''firewalls''—in their personnel computers. The security programs typically alert users with warning messages whenever an unauthorized program is attempting to send information out into the Internet. Many users quickly discover how vulnerable they are.

Last winter, a Seattle company called RealNetworks Inc. came under fire after customers discovered its music player was collecting information about users' listening habits in order to personalize its services. The company has since stopped the practice and apologized. Intuit, meanwhile, has acknowledged using the tracking programs to target ads. And a few weeks ago, after parent complaints, Mattel Inc. officials apologized for adding a data-gathering program to more than 100 titles of its Learning Co. unit's educational programs for children.

Simson Garfinkel remembers that he was 40,000 feet in the air on a plane from London to Boston in May when he noticed that his laptop kept trying to connect to the Internet. The culprit: an educational program he had installed for his 3-year-old daughter. It was trying to send out the producer's code number and other such information to the company so it could better respond to consumer needs, according to Mattel spokeswoman Susan Salminen.

''I wouldn't call it spyware exactly. It was more like marketing ware. But even that conveys a lot of personal information to the folks at Mattel and it was upsetting,'' said Garfinkel, a computer network architect from Cambridge, Mass.

Mattel's Salminen said the program's intentions are benevolent but the company already had decided to eliminate it late last year from all new software because of ''public concern around the privacy issue.''

Earlier this month, a Netscape user named Christoper Specht filed a class-action suit in U.S. District Court in Manhattan seeking damages of a minimum of $10,000 per person for violating consumers' privacy by tracking which files they download from the Internet.

A spokeswoman for Dulles-based AOL said the company is aware of SmartDownload's ability to gather customer data but it had ''never used it to access or retain information about users or files.''

''The lawsuit is without merit,'' said Ann Brackbill, a senior vice president. As every corner of the Internet becomes increasingly commercialized, many online companies are experimenting with new models for making money in the uncharted new economy.

One way is to give away products or sell them for below cost and make money through advertising. The tracking programs allow these companies to tout their ability to target specific audiences to potential advertisers. At the same time, many software companies are trying to develop a continuing relationship with their customers, becoming in effect service-oriented companies. The tracking programs allow them to keep in touch.

For the most part, companies that track consumers say the information they collect is minimal, and it's gathered anonymously so that the data cannot be linked to real names. But security professionals like Travis Haymore of Lanham's Digital Systems International Group. point out that some of the data streams leaving personal computers are so heavily cloaked, or encrypted, that it's practically impossible for anyone to verity or refute such claims. And the programs are more invasive than the electronic cookies that businesses use to track people on the Web because they potentially can scan documents and images on people's hard drives as well as track online habits.

''Your tax records, what medical sites you've been looking at, your online banking—if someone has spyware on your machine, they would have access to that data and it would be next to impossible to tell if it was leaving,'' said Haymore, a former federal government computer security investigator.

Irate computer users also have filled online bulletin boards with complaints about tracking programs that are impossible to remove (even when the original host program is deleted), that crash their computers or clog up their telephone or cable lines, slowing down their Internet connections.

Two technology marketing companies, Silicon Valley's Radiate.com and Sterling's Conducent Technologies Inc., which have developed ''ad hots,'' software for the most popular ads targeting customers, have been at the heart of the online privacy debate. These ventures partner with software companies and share a cut of the advertising revenue.

Conducent's director of Marketing, Robert Regular, says participation in its ad-driven programs is ''voluntary'' and offers consumers many advantages, including discounted or free software. People who purchase CD–ROMs made by eGames, for instance, can can get six free programs if they choose to look at ads and give up some personal information. ''We will show ads and will make use of the user's Internet connection and if they agree to that, great. If not, they don't have to use the software,'' he said.

Regular says the company always has required it partners to disclose in their privacy policies that the programs were ''ad-supported'' but only this month started making them flash separate screens during in the installation process alerting users of the tracking.

Like other people in the industry, Regular disputes the ''spyware'' characterization.

''We don't spy on anyone.'' We don't know any personally identifiable information. We know they are an anonymous user. We don't look at anything that they do,'' he said. ''Because we run in the background, people think we're doing something deceptive and don't understand that its in order to refresh ads.''

As stories of tracking software and other privacy concerns have circulated throughout the online world in recent months, companies and independent programmers have scrambled to develop protection tools with names such as ZoneAlarm and OptOut. More than 1.1 million people already have downloaded OptOut, freeware that was devloped by Steve Gibson, asecurity consultant in California and a privacy advocate. And personal firewall software has been rushing off store shelves since last fall, with 40,000 to 50,000 copies being sold each month, according to research firm PC Data Inc.

But even unsophisticated programmers can easily get around the best available electronic firewalls, security experts say.

Symantec's Steve Cullen, the senior vice president for consumer business, said people using Norton Internet Security 2000, the most popular firewall program, for instance, can specify that their names, credit-card numbers and other sensitive information be blocked from leaving the computer. But if that information is electronically masked by one of many easy techniques, it can still get through.

''If it's really spyware, certainly encoding or encrypting is something that these guys could do and that makes it much trickier to catch it,'' he said.

Still Cullen says that scenario is rare. He said about 80 percent of the time companies don't bother hiding the data and leave it as plain text, a format that is simple to filter.

Christopher Kelley, an analyst with Forrester Research, believes that the ''sneakiness'' with which some corporations are acting has exacerbated privacy concerns and damaged the industry's credibility—something that they may come to regret as an increasing number of angry citizens create technological tools that could topple the companies' entire business plans. Added Montreal computer consultant Gilles Lalonde: ''Right now it's now a free-for-all. Anything goes. This is the kind of environment that permits these kinds of intrusive behaviors, allows them to flourish. If we don't start to define some ethical rules, before long people will lose their trust in all online companies and this great technological revolution just stops.''

PERSONAL EXPLANATION

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. EDWARDS. Mr. Speaker, yesterday I made an error on rollcall vote No. 549 by voting ''nay'' on H. Con. Res. 426, a resolution concerning violence in the Middle East. I support H. Con. Res. 426 and intended to vote ''yea'' in favor of this resolution.

TRIBUTE TO REV. JOHNNIE JAMES JAKES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. DAVIS of Illinois. Mr. Speaker, some people are fortunate to live long lives, others are able to be seriously productive; but then there are those who are blessed to lead both long and productive lives. Such has been the case of Rev. Johnnie James Jakes who was born in 1902 and lived until just one day before what would have been his 98th birthday.

Rev. Jakes was born in Money, Mississippi on October 29, 1902, he later moved to Helena, Arkansas where he met and married Ms. Geneva Johnson, to this union, one son was born. He later met and married Ms. Callie Mae Strigler and to this union eleven children were born, she preceded him in death in 1985.

Rev. Jakes answered his call to the ministry on December 3, 1931, and pastored three churches and was highly regarded by his peers as a man of vision, fairness and cordiality.

After Rev. Jakes' health began to fail he moved to Chicago, Illinois where he was cared for by his 2nd eldest daughter, Ms. Elizabeth James and other members of the family.

He united with the Old St. Paul Missionary Baptist Church which was founded by his son